APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,865	04/06/2001	Geetha Srikantan	SUN-P4966-MDL	6074

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PARK, VAUGHAN & FLEMING LLP
702 MARSHALL STREET
SUITE 310
REDWOOD CITY, CA   94063

EXAMINER
SHELTON, BRIAN K

ART UNIT	PAPER NUMBER
2611	5

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)
Office Action Summary	09/827,865	●	SRIKANTAN ET AL.
	Examiner		**Art Unit**	
	Brian Shelton		2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04/06/2001</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,6,8-12,14-20</u> is/are rejected.

7)☒ Claim(s) <u>5,7 and 13</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Claim Objections

1.   Claims 1, 11 and 20 are objected to because of the following informalities:

a.   In claim 1, there is no antecedent basis for the "said first media time index." For purposes of examination, "said first media time index" is interpreted as "said current time index."

b.   Claim 11 contains a typographical error ("...retrieval of o portion..."). For purposes of examination, the phrase is interpreted as "...retrieval of a portion...".

c.   Claim 20 contains a typographical error ("if said requested media portion if available..."). For purposes of examination, the phrase is interpreted as "if said requested media portion is available..."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 4, 6, 8, 9, 11-12, 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehley (provided by applicant in the IDS, filed 4/4/02).

As for claim 1, Ehley discloses a method for synchronizing a media stream (col. 5, lines 54-55), comprising:

(a)   streaming media from a media program to a client (col. 6, line 64 – col. 7, line 2; see col. 10, lines 54-64 disclosing a media program comprised of audio and video streams, wherein audio is a "master stream" and video is a "slave stream");

(b)   detecting a loss of synchronization in said media stream at a current media time index (col. 11, lines 13-23, where a "perceived stream time" is a position of a frame in the stream which corresponds to a "current media time index"; see col. 11, lines 30-33, discussing the determination of whether asynchronism exceeds a predetermined tolerance; see col. 11, line 54-59, discussing determination of whether slave stream is "chronically behind" the master stream);

(c)   selecting a second media time index later in same media than said current media time index (col. 12, lines 59-61, discussing instruction sent to data source to drop frames following the determination that the slave stream is "chronically behind"; see col. 13, lines 39-59 discussing components of instruction sent to data source comprising, in particular, Frames to Drop 802A; see also Ehley, claim 1 at col. 16, lines 7-25 discussing instruction to data source to omit slave media data blocks from transmission across the network. The instruction to omit selected slave media data blocks from a media stream inherently discloses the selection of a second media time index, wherein the second media time index corresponds to the point in time in the data stream immediately following the omitted media data blocks); and

(d)   attempting to synchronize said media at said second media time index

(col. 15, lines 11-17; see col. 14, lines 54-62 discussing completion of server

frame skipping process when Skip Count 802C equals zero).

The machine readable program storage medium claim 16 is rejected over

Ehley for the same rationale underlying the rejection of corresponding method

claim 1.

As for claim 4, Ehley discloses a method of synchronizing a media stream

(as discussed above relative to claim 1) wherein detecting comprises:

(a)   identifying a current time index of the media program, wherein said current

time index corresponds to media that should be streamed at said current time

index (col. 11. lines 13-24, where perceived stream time of the master stream is

a current time index); and

(b)   comparing said current time index to a time index of said media actually

being streamed (col.11, lines 42-48, where the perceived stream time of the

slave stream corresponds to a time index of media actually being streamed (see

col. 11, lines 17-19), and the perceived stream time of the master stream is

compared to the perceived stream time of the slave stream).

As for claim 6, Ehley discloses a method of synchronizing a media stream

(as discussed above relative to claim 4) wherein said selecting a second time

index comprises adding a predetermined amount of time to said time index of

said media actually being streamed (where the "time index of media actually

being streamed" corresponds to the time index of the slave stream) (Fig. 11B;

see col. 13, lines 40-45 discussing instruction Frames to Drop 802A; see col. 14,

lines 46-53 discussing server processing of buffered stream data and dropping

frames in response to control block data).

As for claim 8, Ehley discloses a method of resynchronizing a media

program to a client from a media server, comprising:

(a)   requesting a first portion of a media program to be streamed to the

client (col. 14, lines 6-11), said first media portion corresponding to a first

time index of the media program (col. 11. lines 13-24, where perceived

stream time of the master stream is a first time index); and

(b)   if said first media portion is unavailable for streaming at said first

time index, (see col. 11, lines 30-33, discussing the determination of

whether asynchronism exceeds a predetermined tolerance; see col. 11,

line 54-59, discussing determination of whether slave stream is

"chronically behind" the master stream) attempting to resynchronize the

media program by:

(c)   selecting a second time index of said media program later

than said first time index (col. 12, lines 59-61, discussing instruction

sent to data source to drop frames following the determination that

the slave stream is "chronically behind"; see col. 13, lines 39-59

discussing components of instruction sent to data source

comprising, in particular, Frames to Drop 802A. The instruction to

drop a frame within a buffered stream inherently discloses the

selection of a second time index);

(d)   requesting a second portion of the media program

corresponding to said second time index (col. 14, lines 19—29,

where the control packet 802 sent to server 603 with instructions to

drop frames comprises a request for media at a second time index);

(e)   halting streaming of the media program until said second

time index (col. 14, lines 46-53, where dropping frames within a

buffered stream corresponds to halting the streaming of frames);

and

(f)   if said second media portion is available at said second time

index, commencing streaming the media program from said second

time index (col. 15, lines 11-17; see col. 14, lines 54-62 discussing

completion of server frame skipping process when Skip Count

802C equals zero).

Claim 9 inherently occurs for all subsequent attempts to resynchronize

unavailable or lost streams (see Ehley at col. 11, lines 30-33, col. 11, lines 54-

59).

As for claim 11, Ehley discloses a method (as discussed above relative to claim 8) wherein the media program is a prerecorded media program (col. 6. line 64 - col. 7, line 2) and said requesting comprises scheduling retrieval of a portion of the media program from a storage device (col. 14, lines 35-41).

As for claim 12, Ehley discloses a method (as discussed above relative to claim 8), wherein said selecting comprises, for a first resynchronization attempt:

(a)   determining a current media time index (col. 11, lines 13-24, where the perceived stream time of the slave stream is a current media time index); and

(b)   adding a predetermined time increment to said current media time index (col. 14, lines 36-40; see col. 13, lines 40-49, discussing Frames to Drop 802A).

As for claim 14, Ehley discloses a method (as discussed above relative to claim 8) wherein said halting comprises discarding media data corresponding to a time index prior to said second time index (col. 14, lines 46-53).

As for claim 15, Ehley discloses streaming a media program comprising multiple tracks (master and slave streams) to the client device 401 when the

media program is synchronized to the second time index (col. 15, lines 11-17,

col. 14, lines 54-62).

Computer readable storage medium claim 17 is rejected for the same

rationale underlying the rejection of corresponding method claim 8.

Apparatus claims 18-20 are rejected for the same rationale underlying the

rejection of corresponding method claim 8.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2, 3, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ehley.

As for claim 2, the examiner takes Official notice that it is typical in many

technical procedures to repeat the steps which comprise a procedure upon the

failure of the procedure for the advantage of correcting errors to produce a successful procedure.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Ehley to repeat any procedure that fails, such as attempting to synchronize, for the typical advantage of correcting errors to produce a successful procedure.

As for claim 3, the examiner takes Official Notice that after making several attempts to correct a failed technical procedure it is typical to quit or terminate the procedure for the advantage of stopping the failed process and to allocate processing time to a new procedure.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Ehley to terminate the process if a predetermined number of attempts to resynchronize are unsuccessful for the typical advantage of stopping the failed process and to allocate processing time to a new procedure.

Method claim 10 is rejected for the same rationale underlying the rejection of corresponding method claim 3.

Allowable Subject Matter

6.   Claims 5, 7, and 13, are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Information Disclosure Statement

7.   The information disclosure statement (IDS) submitted on March 19, 2002 is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Conclusion

8.   The following are suggested formats for either a Certificate of Mailing or
Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with
all correspondence concerning this application or proceeding to establish a date of
mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in
such communication being considered as timely if the established date is within the
required period for reply. The Certificate should be signed by the individual actually
depositing or transmitting the correspondence or by an individual who, upon information
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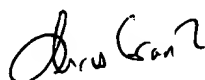
_____

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning
facsimile transmissions and mailing, respectively.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian Shelton whose telephone number is (703) 305-

4700. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the primary

examiner, Christopher Grant can be reached on (703) 305-4755. The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

4700.

CHRIS GRANT
PRIMARY EXAMINER

Brian Shelton
Examiner
Art Unit 2611